

**APRIL 22, 2005**

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April 22, 2005      LB 193

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our chaplain this morning is Pastor Greg Volzke, Christ Lutheran Church, Juniata, Senator Burling's district, District 33. Pastor.

PASTOR VOLZKE: (Prayer offered.)

SENATOR CUDABACK: Thank you, Pastor Volzke, for being with us this morning. Appreciate you being here. Would call the sixty-sixth day of the Ninety-Ninth Legislature, First Session, to order. Senators, please record your presence. Record please, Mr. Clerk.

ASSISTANT CLERK: There's a quorum present, Mr. President.

SENATOR CUDABACK: Are there any corrections for the Journal?

ASSISTANT CLERK: Mr. President, there's no corrections this morning.

SENATOR CUDABACK: Any messages, reports, or announcements?

ASSISTANT CLERK: Two items, Mr. President: A report from the Department of Roads, and a report of registered lobbyists for the current week. That's all I have. (Legislative Journal pages 1263-1264.)

SENATOR CUDABACK: Thank you, Mr. Clerk. (Visitors introduced.) We now go to Final Reading. Members, as you know, the rule says we all be in our seats, so please take your seats and prepare for Final Reading. Members, please take your seats as we prepare for Final Reading. Mr. Clerk, first bill will be LB 193E.

ASSISTANT CLERK: (Read LB 193 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 193E pass with the emergency clause attached? All in favor vote aye;

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those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1264-1265.) Vote is 41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 193E passes with the emergency clause attached. Mr. Clerk, LB 274. The first motion is suspend the at-large reading. All in favor of suspending the at-large reading vote aye; those opposed, nay. Record please, Mr. Clerk.

ASSISTANT CLERK: 35 ayes, 3 nays on the motion to dispense with the reading, Mr. President.

SENATOR CUDABACK: The motion was successful. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB 274.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 274 pass? All in favor vote aye; those opposed vote nay. Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1265-1266.) Vote is 44 ayes, 0 nays, 5 excused and not voting.

SENATOR CUDABACK: LB 274 passes. Mr. Clerk, LB 276. The first vote will be to dispense with the at-large reading under Rule 6, Section 8. All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

ASSISTANT CLERK: 39 ayes, 3 nays on the motion to dispense with reading, Mr. President.

SENATOR CUDABACK: The motion was successful. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB 276.)

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April 22, 2005      LB 276, 351, 361

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 276 pass? All in favor vote aye; all opposed vote nay. Have you all voted who care to? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1266-1267.) Vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 276 passes. Mr. Clerk, LB 351E.

ASSISTANT CLERK: (Read LB 351 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 351E pass with the emergency clause attached? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1267-1268.) Vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 351E passes with the emergency clause attached. Mr. Clerk, LB 361E. The first vote will be to dispense with the at-large reading. All in favor of the motion vote aye; those opposed vote nay. Record please, Mr. Clerk.

ASSISTANT CLERK: 40 ayes, 2 nays on the motion to dispense with reading.

SENATOR CUDABACK: The motion was successful. Mr. Clerk, please read the title of LB 361E.

ASSISTANT CLERK: (Read title of LB 361.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 361E pass with the emergency clause attached? All in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

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April 22, 2005      LB 361, 389, 389A, 503

ASSISTANT CLERK:      (Record vote read, Legislative Journal pages 1268-1269.) Vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SENATOR CUDABACK:      LB 361E passes with the emergency clause attached. Mr. Clerk, LB 389.

ASSISTANT CLERK:      (Read LB 389 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 389 pass? All in favor of the motion vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK:      (Record vote read, Legislative Journal page 1269.) Vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 389 passes. Mr. Clerk, LB 389A.

ASSISTANT CLERK:      (Read LB 389A on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 389A pass? All in favor vote aye; opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK:      (Record vote read, Legislative Journal page 1270.) Vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 389A passes. Mr. Clerk. We will be passing over LB 401. There's been a motion filed to it. We now go on to LB 503E. The first vote will be, dispense with the at-large reading. All in favor vote aye; opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 2 nays on the motion to dispense with reading, Mr. President.

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April 22, 2005      LB 503, 503A, 739

SENATOR CUDABACK: The motion was successful. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB 503.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 503E pass with the emergency clause attached? All in favor vote aye; those opposed vote nay. Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1271.) Vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 503E passes with the emergency clause attached. Mr. Clerk, next bill, LB 503AE.

ASSISTANT CLERK: (Read LB 503A on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 503AE pass with the emergency clause attached? All in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1271-1272.) Vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 503AE passes with the emergency clause attached. We now go to LB 588. We will also pass over LB 588. As stipulated, bills with motions attached will be passed over. We will now go to LB 739. The first vote will be to dispense with the at-large reading. All in favor of the motion vote aye; those opposed vote nay. Record please, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 3 nays on the motion to dispense with reading.

SENATOR CUDABACK: The at-large reading is dispensed with. Mr. Clerk, please read the title, LB 739.

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ASSISTANT CLERK: (Read title of LB 739.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 739 pass? All in favor of the motion vote aye; those opposed to the motion vote nay. Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1272-1273.) Vote is 43 ayes, 1 nay, 5 excused and not voting.

SENATOR CUDABACK: LB 739 passes. That concludes Final Reading, members. Before we go on, if you notice Senator Louden sitting pretty high in his chair, he has a reason this morning. He and SharonAnn have a new grandson. The grandson's name is Luke Lynn, born at 7:24 Mountain time. So let's congratulate Senator Louden. (Applause) Congratulations, Senator Louden. (Doctor of the day introduced.) We now go to General File. Mr. Clerk, do you have any items for record, or any...?

ASSISTANT CLERK: Mr. President, I do not.

SENATOR CUDABACK: Okay. Thank you. We now go to General File, 2005 senator priority bills, the Bourne division. Mr. Clerk, first bill, LR 8CA.

ASSISTANT CLERK: Mr. President, LR 8CA was introduced by Senator Schrock and others. (Read title.) The bill was read for the first time on January 6, heard by the Natural Resources Committee, reported to General File. The bill has been considered on four separate occasions.

SENATOR CUDABACK: Senator Schrock, would you give us a brief contents of LR 8CA?

SENATOR SCHROCK: Mr. President, this is the constitutional amendment that we've been debating for several hours now. It's a constitutional amendment that puts in the constitution, if voted upon by the voters of this state, the protection for hunting, fishing, and trapping. We've been on it for several

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hours. Most of you have heard both sides of debate. I appreciate your indulgence in what we've been going through. I've appreciated the comments, the support, and the opposition. Had a good discussion. I expect the same to continue this morning. With that, I think we have several amendments to deal with, and so I will not take any more of the body's time.

SENATOR CUDABACK: (Visitors introduced.) Mr. Clerk, next amendment.

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend LR 8CA with FA39. (Legislative Journal page 629.)

SENATOR CUDABACK: Senator Chambers, to open on FA39.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I have offered numerous amendments to Senator Schrock's proposal. Some of them are whimsical, some of them are as serious as a heart attack. But the purpose of all of them is to show that this LR 8CA proposal contains something that should not be in the state constitution. The contents of my amendments more rationally should have a place in the state constitution than what Senator Schrock is presenting to us on behalf of those who like to hunt, fish, and trap. This particular amendment may seem whimsical. But after "hunting," in Senator Schrock's proposal, I would put the following words, so that his amendment would read: fishing, trapping, hunting, and, my amendment, "sitting on the front porch on a warm summer evening, drinking a glass of cold lemonade, dreamily watching the silvery moon rise to begin its journey across a darkening velvet sky powdered with stardust." Something like that might elevate the quality of the state constitution. But I would never offer that to the Legislature with the request that enough members vote to put it on the ballot so that the public could vote to see whether or not it should be in the constitution. I have had numerous contacts when this language was quoted in a number of articles. And people really liked it. They liked the imagery. It reminded them of things that happened long, long ago. Some embellished it. They described a frame house with several stories, gables, and went on and on. White picket fences, manicured lawns, flower beds, little children, even



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ponds in the yard, with water, goldfish, and multicolored rainbow sand at the bottom of that pond. So sometimes words can evoke recollections. But despite all that, this should not be in the state constitution, standing alone. But if you would seriously consider putting to the voters what Senator Schrock is offering, put this there with it. There's a song that Kenny Rogers sang, and it started: On a warm summer evening, on a train bound for nowhere, I met up with a gambler. We were both too tired to sleep. And he went on to explain the kind of conversation that they had. And by the time the song ended, the gambler, in his sleep, had broken even, which meant he died. But prior to doing that, he had given this person he was talking to some advice that he could keep. And that was, advice which Senator Schrock should heed this morning: You got to know when to hold 'em, know when to fold 'em, know when to walk away, and know when to run. Now, Senator Smith, on his motorcycle helmet bill, is going to know when to run. He doesn't want to, but he will know. When that time comes, he will know it. This proposal of Senator Schrock has led me to discuss with you all, or whoever would listen, whether on the floor or by way of Internet or public television, some things that I think are of consequence. Along the way, I had read provisions from the U.S. Constitution, and despite the fact that at the time it was written those who were participating in the writing, known as the so-called founding fathers, had among their number several who held slaves. While lauding the principles of freedom, they enslaved people of my complexion. Although they couldn't bring themselves to be honest enough to use the word "slavery," they made very clear references to that benighted institution and the people who were damned eternally to be oppressed by it. Compromises were made as the U.S. Constitution was being written at Philadelphia in 1787. In Article I, the first article of this constitution, is one of the worst compromises, one of the greatest insults enshrined in the U.S. Constitution. It's known among black people as the three-fifths of a person clause. And it says, coming directly from Article I of the U.S. Constitution: "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons," meaning white people, "including those bound to

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Service for a Term of Years,"..."three fifths of all other Persons." They call us persons, but they acknowledge property in us. "Chrishians" of every stripe, praying to God, as prayers are said here every morning. They even had prayers at that convention, I've been told. And despite those prayers, they engaged in the sacrilege and the blasphemous conduct of ensuring in their constitution that black people would not only be held in slavery, but deemed, pursuant to the constitution, to constitute no more than three-fifths of a person. I then go, in this same article, to Section 9. "The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person." When they talk about migration or importation, they're talking about the slave trade. Aren't white people very capable and ingenious at selecting euphemisms? Migration, importation. But you import commodities. You import products. I hate this country. I hate this constitution. I hate the history of this country. White people, with blood of my ancestors dripping down their jaws like bloody-jawed wolves, writing a constitution which is supposedly the high mark for Western civilization. So when you all sit around here, and you're putting up the flag, and you're praising the troops in Iraq and everywhere else, I'm thinking about what was done to black people in this country, and still is being done now. And I function. And you all, when one of your little bills is attacked, almost lose your mind. But I want to read to you what's in your constitution. And in the same way you all go through the "Bibble," periodically I read through the constitution, because it is the politician's "Bibble." To remind myself that this is not just some nightmare, not some surrealistic misrepresentation of the bastion of freedom and respect for human rights. I'm now going to go to Article IV, Section 2. Fugitive slaves.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: "No Person"...I've been talking nine minutes already? Mr. President? I've been going nine minutes already?

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SENATOR CUDABACK:    You have, Senator.

SENATOR CHAMBERS:    Okay.    I'm going to stop, then, and wait until I'm recognized, so I won't have to stop in the middle. Thank you, Mr. President.

SENATOR CUDABACK:    Thank you, Senator Chambers. You've heard the opening on FA39. Open for discussion. Senator Schrock.

SENATOR SCHROCK:    Mr. President and members of the Legislature, just briefly, I handed out another handout. You've been seeing these at a regular interval. Ten states now have this in their constitution. The last four to do it were the states of...see where I'm at, here. Maybe that's on another document. But the last four to do it were Montana, Louisiana...there we go...Wisconsin, and Minnesota. Minnesota, it passed by 80 percent; Wisconsin, this amendment passed by 83 percent; Louisiana, it passed by 81 percent; and Montana, it passed by 80 percent. And you know, I think it would be no less unreasonable to believe it would pass by that in this state. Nebraska sportsmen spend a lot of money in this state. Cabela's is a...started in Sidney, Nebraska. It has been an economic boon for that community, and I'd say has been good for the state. We're going to hear discussion later in the session, I presume, about whether there should be incentives to get them to build a new facility in the Omaha area. A lot of jobs and revenue hinge on what hunters and fishermen do. So it is an important activity. And I have acknowledged that at this time it probably is not threatened. But a lot of shenanigans can take place by people who are not well-intended. And we don't want that taking place in this state. And so if we would pass this and put it on the ballot, I think it would give the chance for our citizens of this state to send a message that Nebraska is a state that this activity is a cherished and...an activity that should be preserved. And so I just passed this out. And there's some information there for you to look at if you care to do so. Thank you for your time.

SENATOR CUDABACK:    Thank you, Senator Schrock.      Senator Chambers.

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SENATOR CHAMBERS: Mr. President, if I say I hate this Constitution of the United States, why will I nevertheless speak in behalf of it and the Constitution of the state of Nebraska? You have to take what you can get, and do the best you can with it. There is nothing else I have with which to work other than a document which recognizes property in me and my people. I cannot forget what was done to my ancestors. You all didn't have it happen. Your ancestors were doing it. You don't even like to hear this. But you pretend not to understand how resentful and bitter those of us are whose ancestors did it. And by "did it," I mean suffered what was inflicted on us through slavery. And America was a slave nation longer than it has supposedly been free. But I want to read what was said in this constitution. If some black man, black woman, or black child had enough heart, nerve, courage, and ingenuity to try to escape this hellish condition imposed by white Christians, what would happen to that person? If you escaped slavery, George Washington felt that his slaves should have their ears clipped, their noses clipped. And others wanted to brand letters in their face, on their cheeks. White Christians branding black people like animals. And we're supposed to forget it, overlook it, act like America means to us what it means to you all? That would be insane for us. And any black person who adopts that attitude is insane. It's based on self-hatred. And when a person hates himself or herself, the psyche disintegrates, the mind falls apart, the reason departs. And people, as they sense this happening, will turn to alcohol, drugs, violence, suicide. There are reasons why people behave as they do. There are reasons why I behave the way as I do. And I'm not going to apologize or take low. I'm going to read from the white people's constitution. Article IV, Section 2 of the Constitution of the United States of America: No person held to slavery...held to service, excuse me. Freudian slip. I was telling the truth. Let me read the white people's language. "No Person held to Service or Labour in one State, under the Laws thereof, escaping into another,"...workers don't escape. If you're talking about workers here, because you use words "Service or Labour," why do you use the word "escape"? Everybody knew what this meant. But they didn't want future generations to know how venal, how vicious they were. "No Person held to Service or Labour in one State, under the Laws

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thereof, escaping into another, shall, in Consequence of any Law or Regulation therein," meaning the state to which he or she escaped, "be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due." How can these racist dogs...excuse me, canines, especially Mollie Raye and Cindy's friend, Nicole. I should not have referred to these creatures as dogs.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: How could these pre-Nazis claim that the forced toiling of a slave is due to the one who is holding that person enslaved? That's the U.S. Constitution. But if one managed to escape, that person had to be given back to the slaveholders. And many black people who had never been enslaved were declared to be so by the slave catchers who were paid money, and taken into slavery, and sold deep into the South. And that I am supposed to forget? Well, I don't, and I won't. Thank you, Mr. President.

SENATOR CUDABACK: Senator Chambers, you are recognized.

SENATOR CHAMBERS: And I know this is my third time, so I'm going to keep track. Now let me show you all how important the slave trade was to these founding fathers. You all's fathers, not mine. At least not legitimately so, because they did produce a lot of black babies while the white women to whom they were married and had been married in Christian ceremonies were pining and languishing in the big house, knowing that this rat is down there sweating and panting and mixing his sexual juices with black women, who were considered to be subhuman. And what do you think these white women were thinking? Sometimes, when a slave was accused of having poisoned a so-called white slave master, they needed to look at his wife. But they didn't. There are documented cases of these delicate white women having babies and not wanting to take care of them. So a young black girl who was a slave was brought up to be there, so whenever the baby woke up, she would have to tend the baby. One went to sleep. She was roused by the baby's crying, but not before old missy was aroused. And missy went over to the fireplace and picked up a log and smashed her brains out. And that was not

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murder. That was not even a crime. That's what happens. And the attitude persists today. They just can't carry it out. And some of us, brothers and sisters, will fight. Article V. "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution,"..."Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article." What are they talking about protecting? I need to go back to Article I, Section 9. "The Migration or Importation of such Persons"..."shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight." That's what was being protected. Anything else in the constitution could be amended. But that provision protecting the slave trade could not be amended before 1808. And this constitution was ratified in 1789. Why would these "Chrishians" protect the slave trade in the constitution? And a lot of people didn't even know that language is there, because they don't read their constitution. But black people had better read everything, and know something about everything. We're going to have to meet a higher standard everywhere we go, and we know it. We tell our children, you have to do your best, and they still are going to cheat you when you go to school. Grown white people are going to cheat you out of that to which you're entitled. They're not going to be fair with you. And it's because of your color. No other reason. And the teachers knew, every teacher who had one of my children in his or her class, that that mess was not going to be tolerated by me, and they had better not lay a hand on any of my children.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: And because my children had been reared in an environment where there was no laying on of hands by anybody in anger or by way of punishment, it made them nervous when they saw other children violently or physically punished, as it was called. So the teachers were instructed by me, don't do to anybody else's child, in my child's classroom, what you'd like to do, because it makes my children nervous. And when my children get nervous, I get upset, and you'll have me to deal with. And not one of the classes where my children attended was

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corporal punishment ever used. And amazingly, no teacher ever found it necessary to use it. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. (Visitors introduced.) On with discussion. Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, there is a handout called the sportsmen amendment that was passed out to us. District 38. Is that Senator Schrock's district? Okay. One provision in here, it says...one sentence in here says, the sportsmen amendment is necessary primarily to protect these rights from petition initiatives forbidding hunting, fishing, or trapping. And Senator Schrock, I'm interested in how this amendment would do that. I mean, I basically see this amendment as taking rights away from the Legislature, not protecting against initiatives. Because as I understand an initiative, an initiative can be to wipe out this very amendment that you're putting in place, and to prohibit hunting or fishing. And that can be done as easily, with or without this amendment.

SENATOR CUDABACK: Senator Schrock.

SENATOR BEUTLER: So why would the statement be made here that this is primarily to protect rights from petition initiatives? I would yield to Senator Schrock.

SENATOR SCHROCK: Senator Beutler, there is a higher standards for changing the statute...for the constitution...to change the constitution, for changing statute. And we also have the two subject matter. If they're going to change the constitution, it could very easily probably take two petitions instead of one. So we think it does add some protection.

SENATOR BEUTLER: You think it would take two initiative questions instead of one?

SENATOR SCHROCK: That could very easily be the case.

SENATOR BEUTLER: And so it's protecting against initiatives because it takes two separate questions instead of one, in your

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opinion?

SENATOR SCHROCK: That would be correct, Senator Beutler.

SENATOR BEUTLER: Okay. Thank you. Well, I just wanted to make clear that an initiative, if somebody wants to do away with what Senator Schrock has...or would do by this amendment, an initiative can certainly wipe that out, and can certainly proceed forward to forbidding hunting, fishing, or trapping, if somebody wanted to try to get the signatures for that kind of provision. So I'm not sure that this amendment really does much in that regard at all. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Brown.

SENATOR BROWN: Mr. President, members, in reflecting on what Senator Beutler just said, my concern about this amendment has always been that the rationale for it may make sense in an urban state. And there's a great deal of the material that deals with a shift from a more rural state to an urban state. It is by the very nature of the...that the states that are listed as having these kinds of laws are all pretty rural states. And because we're a rural state, and because it can pass by a vote of 80 percent of the electorate that Senator Schrock has spoken to, says to me that that's a good reason for us not to need it, even if you think it's going to accomplish something. If we have 80 percent of the people that are going to vote for this, that means we would only have, at best 20 percent of the people who would consider an initiative. And it means that those of us who are elected to this body are going to be concerned about the 80 percent of our constituents that would support this. It is the very fact that we do...that we could put this in place so easily that means we don't need to do it. There's not one of the states that's listed here that is a state where I could see an initiative being successful that would restrict any of these rights. So to me, this...it's just that some of the arguments that the proponents are making in terms of this being a very popular thing, is the very reason that we don't even need to be considering it. Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. Further



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discussion.      Seeing no further discussion, Senator Chambers, I recognize you to close on FA39.

SENATOR CHAMBERS: Thank you. Mr. President, I'm going to read something from a book called Eyewitness to History: The Negro in American History, by William Loren Katz, K-a-t-z. And this is what...I am why some these Virginians and other slaveholders wanted black people to have no education. A member of the Virginia Legislature admitted how far they would go to keep slaves from learning. We have...this is the Legislature. We have, as far as possible, closed every avenue by which light might enter their minds. If you could extinguish the capacity to see the light, our work would be completed. They would then be on a level with the beasts of the field, and we should be safe. I have something else I intend to read. And this is for the record, not necessarily the people in this room, because you don't have to listen. This comes from a book written by Josiah Henson, who had been a slave. And his book was titled Truth Stranger than Fiction: Father Henson's Story of His Own Life. And it was published in 1858. The remembrance of the breaking up of McPherson's estate is photographed in its minutest features in my mind. The crowd collected round the stand, the huddling group of Negroes, the examination of muscle, teeth, the exhibition of agility, the look of the auctioneer, the agony of my mother. I can shut my eyes and see them all. My brothers and sisters were bid off first, and one by one, while my mother, paralyzed by grief, held me by the hand. Her turn came, and she was brought by Isaac Riley, of Montgomery County. Then I was offered to the assembled purchasers. My mother, half distracted with the thought of parting forever from all her children, pushed through the crowd while the bidding for me was going on, to the spot where Riley was standing. Riley had purchased her. She fell at his feet, clung to his knees, and...I wish I had been there. They would not have kept me in slavery. They would have taken my life right then. She fell at his feet, clung to his knees, entreating him in tones that a mother could only command, to buy her baby as well as herself, and spare to her one, at least, of her little ones. Yeah, I'm reading a story. And I'll tell a story on somebody's jaw if they give me the opportunity or provoke me. Will it, can it be believed that this man thus appealed to was capable not merely of turning a

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deaf ear to her supplications, but of disengaging himself from her with such violent blows and kicks as to reduce her to the necessity of creeping out of his reach and mingling the groan of bodily suffering with the sob of a breaking heart? As she crawled away from the brutal man, I heard her sob out--and this shows how foolish we were--Oh Lord Jesus, how long, how long shall I suffer this way? I must have been then between five and six years old. I seem to see and hear my poor mother weeping now. This was one of my earliest observations of men, an experience which I only shared with thousands of my race. Now, there are white people who might take this for a joke. But there are white people who run a great risk when they do that around me.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: When we talk about this constitution, there are things that went on which ought not to have gone on under a constitution. As bad as it is, as much as it was ignored and violated, in 1954, a unanimous U.S. Supreme Court, prodded by Thurgood Marshall, who wound up as a member of the U.S. Supreme Court, after being Solicitor General of the United States, ruled that segregation in the public schools violates the U.S. Constitution in that it denies equal protection of the law to what they called Negro children. It's not much that we have with which to work as black people. But we'll take what we can get, and...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...do the best we can with it. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Sen...

SENATOR CHAMBERS: I'd ask for a call of the house.

SENATOR CUDABACK: There's been a request for a call of the house. All in favor of the house going under call vote aye; those opposed, nay. Record please, Mr. Clerk.

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CLERK:      12 ayes, 1 nay to place the house under call,  
Mr. President.

SENATOR CUDABACK:      The house is under call. All unauthorized personnel please leave the floor. Unexcused senators, report to the Chamber. The house is under call. The house is under call. All unexcused senators please report to the Chamber. Senator Engel, would you check in, please. Thank you. Senator Don Pederson, would you check in, please. Thank you also. Senator Mines. Senator Baker. Senator Baker. Senator Baker, the house is under call. Senator Baker, the house is under call. All members are present or accounted for. Senator Chambers, how did you wish to proceed? Machine vote has been requested. All in favor of FA39 vote aye; those opposed, nay. Have you all voted on the amendment who care to? Have you all voted who care to? Record please, Mr. Clerk.

CLERK:      3 ayes, 31 nays, Mr. President, on the amendment.

SENATOR CUDABACK:      The motion was not successful. And I do raise the call. (Visitors introduced.) Mr. Clerk.

CLERK:      Mr. President, the next amendment I have, Senator Chambers, FA40. (Legislative Journal page 629.)

SENATOR CUDABACK:      Senator Chambers, you're recognized to open on FA40 to LR 8CA.

SENATOR CHAMBERS:      Thank you. Mr. President and members of the Legislature, this language in Senator Schrock's proposal says, "Fishing, trapping, and hunting are a valued part of the heritage of the people and will be a right forever." I would insert, after "forever," "and a day." Then it would read, "and will be a right forever and a day preserved for the people," and so forth. Why would I add the words "and a day"? They used to hand down sentences in criminal cases, and they would say a person shall serve however many days in prison, and a day, trying to make it clear that the entire number of years was to be served, and you could not get to the extra day prior to the serving of all of the years that had been tacked on to the person before that. Since words often are given a different

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meaning when courts interpret them, I'm presenting something to Senator Schrock which will ensure that the court knows he is talking about forever, unless, as Senator Beutler pointed out, the Legislature sees fit to restrict trapping, hunting, and fishing. And a set of circumstances could be reached where, under the language of Senator Schrock's proposal, these things could be totally abolished. I'd like to ask Senator Schrock a question about this amendment.

SENATOR CUDABACK: Senator Schrock, would you yield?

SENATOR SCHROCK: Yes, I will.

SENATOR CHAMBERS: Senator Schrock, I'd venture to say that you may not have read every proposal in the ten states that you're talking about having adopted something like that. But would you be willing to agree that they probably are very similar to what is before us today?

SENATOR SCHROCK: Yes, I would, Senator Chambers.

SENATOR CHAMBERS: Okay. Now, my amendment, which would add the word "and a day" after "forever," would probably strengthen what you're trying to do with this, wouldn't it?

SENATOR SCHROCK: Senator Chambers, I haven't analyzed that, so I'm maybe not qualified to answer that.

SENATOR CHAMBERS: All right. That's all I will ask you. But let me ask you this. If I add a day, it certainly doesn't diminish the amount of time that this amendment is to be in effect, does it?

SENATOR SCHROCK: No, it doesn't.

SENATOR CHAMBERS: Thank you. Members of the Legislature, this is an amendment that doesn't hurt what Senator Schrock is trying to do. But as has been the fate with the others, I do not expect it to be adopted. I want to see LR 8CA fall. I'm doing everything I can to accomplish that. There are political deals and agreements reached by people that you just vote like a fool

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one time, give in one time. If you give in once, you're whatever having given in makes you. How many lies do you have to tell before you're a liar? How many acts of betrayal do you have to commit before you are a traitor? And on and on and on. So let them tell you, just give this vote. And to be frank about it, again, it cannot hurt me. Even if this wound up in the constitution of the state of Nebraska, it cannot hurt me at all. I just thought of something. Being so long dead and so short alive, someone may ask, why should anyone strive? A lot of people answer, you shouldn't. So they become knots on logs, and like lumps of clay. But there are others who are moved by different forces. So as long as I am here, there are things that I'm going to resist, and things that I'm going to support. I'm going to resist every effort to dilute, weaken, or any way...in any way demean the state's constitution. As happens under the federal constitution, the rights of black people, women, poor people, other ethnic and language minorities are violated. But here's the question those of us who are oppressed will ask. If these terrible things can be done, if these terrible things can happen with a constitution, what would happen and what would be done without it? So I repeat again, you take whatever poor tool you find at your disposal, and you do the best that you can with it. If I were facing 40 thieves, I would like to have at least 39 other people with me if I could. But if I didn't, then I have to do the best that I can. Let's say that somebody has heard me talk, somebody as big as a...tall as a pine tree, and strong as the coffee that some people like to drink, would walk up to me and take a steel crowbar and snap it in his hand and say, Chambers, that shows you how powerful I am; now I'm going to do the same thing to you. Well, if he can snap a crowbar, he certainly should be able to break bone. But having been shown that, do you think I'm just going to stand there and docilely let him break my bones like he'd break a nonresisting crowbar? He might get a banquet, but I'd try to get a sandwich along the way. So I'd do the best I can in the circumstances I find myself facing. There might be enough senators who will go along to get along, and vote to move this provision, knowing it ought not go anywhere, knowing it ought not be submitted to the public, knowing that it should not be made a part of the constitution. Being a practical politician, I deal with realities. I try to change

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that, quote, reality, unquote, since it's not permanent, and turn it into something that is more suitable for people who are intelligent, who are serious about their responsibilities as legislators. There are things which not...which should not be just bucked to the public because they say, we want this, and the senators do not have enough of whatever it takes to stand up and be the kind of representatives we should and say no. To be a representative, in my view--and obviously, I'm the only one it applies to--means to represent not just every mindless notion or request that people will make of me who happen to live in my district. It means I'm to represent the best conduct that an informed judgment based on information relevant to the subject will make. I'm supposed to represent and make informed decisions and judgments. To put something like what Senator Schrock is offering us into the constitution is unwise, it is unjustified. I don't mind talking about this until, if he's lucky, he can get cloture. And I'll just do it again on Select File. But it's going to take us a long time to get to it on Select File. I don't care what happens today to this bill. When the budget comes out here, I want my good friend Senator Don Pederson, who may be working with this committee, to know that they're going to be on that budget a long time. You see, when the budget comes out here, they get to offer their amendments first. But every amendment can be amended. If they are not completely replacing the budget with a committee amendment,...

SENATOR SCHIMEK PRESIDING

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...which would then be amended, they'll be offering an amendment to the budget bill, and I'll offer an amendment to their amendment. And since we're dealing with numbers, the number of amendments I can offer is infinite. And I'll keep us on that budget until we stay here till midnight, and I'll keep us on it till the rest of the session. And I need to start doing these things, to show you that they can be done. But it's going to take us a while to even get to the budget. I'm looking at these other bills on the agenda. Some of them are not even worth making you go all the way to cloture, but

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they're of value because they will give me some time. And time is what I intend to take. Oh, you said one minute? Madam President, I'll stop now and wait until I'm recognized. Thank you.

SENATOR SCHIMEK: Thank you, Senator Chambers. Mr. Clerk, did you have an announcement?

CLERK: Madam President, Appropriations Committee will meet in Room 2022 now; Appropriations, 2022.

SENATOR SCHIMEK: Thank you. Senator Preister, your light is next.

SENATOR PREISTER: Thank you, honorable President, friends all. As I look on my laptop to try and come up with a fiscal note, I'm not able to get one. I'm trying to ascertain what the cost of this bill is going to be. And I may want to do some interchange with Senator Schrock, if he would yield.

SENATOR SCHIMEK: Senator Schrock, would you yield to a question?

SENATOR SCHROCK: Yes, I would.

SENATOR PREISTER: Senator Schrock, how is this going to play out? Once we pass this, it's going to have to be put on the ballot at some point. I don't know when it will be on the ballot. And there is a cost to putting anything on the ballot. Is that cost going to be...well, let's start with the first one. How do you see this playing out? When will it get on the ballot? How will that be determined?

SENATOR SCHROCK: I would assume it would be on the ballot in fall of '06.

SENATOR PREISTER: The fall of '06, though, would be the general election of '06?

SENATOR SCHROCK: Yes.

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SENATOR PREISTER:      Okay.      And so it would not be a special election, which would probably cost even more money.

SENATOR SCHROCK:      No, it would not be.

SENATOR PREISTER:      Okay.      And so at that time, then, it would be already...the election would be set up, and it would just be printed and done by each of the various counties across the state?

SENATOR SCHROCK:      Yes.

SENATOR PREISTER:      Okay.      And refresh my memory.      Does the state then reimburse the counties some of that expense for those ballots?

SENATOR SCHROCK:      You know, the person who is in the chair probably would be the best one to answer that.      I'm not...I don't feel qualified to answer with any certainty on those issues.

SENATOR PREISTER:      Okay.      Well, I do appreciate...it would be good to be sure, though, that this is going to be on a general election ballot, when, at that time, there's already an election, rather than a special election, which would be an additional expense.      But I'm not sure how that would be determined.

SENATOR SCHROCK:      Senator Preister, I don't envision it being on a...being a special election.      And there's no reason it would be.      I've been around, and we've put a lot of issues on the ballot.      We've put quite a few (inaudible) on the ballot, and they've always been on the general election.      Now, there's been a few on the primary, I would acknowledge that.

SENATOR PREISTER:      All right.      Okay.      Thank you, Senator Schrock.      I would yield the remainder of my time to Senator Chambers if he would like it, Ms. President.

SENATOR SCHIMEK:      Thank you.      Senator Chambers.



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SENATOR CHAMBERS: Thank you, Madam President. Thank you, Senator Preister. Members of the Legislature, I'm looking at the agenda, and I've got a copy of every one of these bills, from LR 8CA on down. And I've been working on amendments to all of them. I don't shoot blanks. Now, I may not always hit the target that I'm aiming at with the impact I would like that hit to have. But I'm not letting anything just slide by. It will cause me to be informed on these bills. I'll be better informed on these than I was on LB 401. On that one, I acknowledge, I did not pay much attention to it as it moved. So I'm the one who put the motion on that bill. I want the opportunity to look at that bill and be convinced that nothing in the way of issues that have been raised will be in that bill. Working as many issues as I do, some will get by me. I acknowledge that. But when something is brought to my attention which is of sufficient gravity, I will react to it. That's what I'm here for, and that's what I intend...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...to do. Now, the bill following Senator Schrock's is one of Senator Redfield. And I have amendments for that. I've got amendments for everything on here. I just haven't decided how much time I'm going to take. But I'm definitely going to take some. And that will stop us from getting to this thing again if it gets to Select File. But if this one gets to Select File, it's going to stop us from getting to others. So they won't even have a chance to get to Select File. And there are other bills that the sponsors--for example, Senator Foley--are aware will take a lot of time. And although (singing) we belong to a mutual admiration society...Senator Combs knows who I'm singing to. She knows that she's got a "four-finger" bill, and she knows it's going to take some...

SENATOR SCHIMEK: Time.

SENATOR CHAMBERS: ...time. Thank you, Madam President.

SENATOR SCHIMEK: Thank you, Senators...Chamber and Preisters (sic). Senator Chambers, your light is next.

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SENATOR CHAMBERS: Thank you. Thank you, Madam President. (Laugh) The culture corner over here is smiling, because you took the "s" off my name and gave it to Senator Preister. But we understand. Sometimes that happens. I'm explaining some of the practicalities about the political process here, because there are new people who think that somehow they've found a way to sabotage me, undermine me. But they have to realize, they're not the only ones here. There are other people with their agendas and with things that they want. And what I'm trying to do is meld this Legislature so that you have a solid 33 votes for every bill that comes up. But poor Senator Smith is going to find out he...oh, he's gone...no, he's back there. He's got...he's going to be probably the first victim, if he tries to get cloture, who will be shown that, no, you will give your vote for cloture, but you ain't going to get 32 others to go with you. Give, Senator Smith; and get nothing back. But I believe he's a "Chrishian," so that is his...that's what he believes. It's more blessed to give than to receive anyway. But we'll cross that bridge when we come to it. I want to talk some more about Senator Schrock's proposal. If anybody would take the time to read the Nebraska Constitution, you would be shocked at some of the things that are in there. Not because they're obscene, vulgar, insulting, or disrespectful, but because they're trivial, trifling, and were obviously put there by people who had more air in their head than some boats that are sailing on the sea would have in their sails. Just whatever popped in their head, they'd say, oh, by God, let's put that in the constitution. And they ran and did it. That same careless attitude exists today. There was a black man; he writes a column, I think he writes with the Boston Globe. He won a Pulitzer prize not long ago. And he was talking about a class that he teaches. He had played for them a video of a movie made by a young black filmmaker named Spike Lee, called Bamboozled. And it was shot through with all of the stereotypes that have been heaped on black people throughout history--the Aunt Jemimas, the Amos and Andys, the Uncle Toms, the yard jockeys, and all these other things that white people can manufacture to show their hatred and contempt toward black people. And the man said that his class got quiet, and when the lights were turned on, there was fury, anger, disgust, disbelief. They were young people. They had no idea that they were so hated in this

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country. Then he played them some rap videos. And having seen how black people had been demeaned, debased, degraded, having been given some notion of how black people had given their lives to try to undo this, when they saw and heard these rappers, who try to pretend that they know something about street life, when all of them have been middle class or upper-middle class, most of them have white female managers, they come out with all the demeaning, hateful things about black women, the foul language, and most of their sales are made to young white males,...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...they are the genuine Uncle Toms and traitors to our race. And white people who bankroll them and help keep them out there know that something like this can demoralize a race. The first reaction of one young woman is that they are ignorant. But that wouldn't have been the reaction had she and the rest of her classmates not been shown the context in which this so-called rap so-called music is going forth. So we as a people--black people, I'm talking about--have much work to be done, at home and abroad. Thank you, Madam President.

SENATOR SCHIMEK: Thank you, Senator Chambers. (Visitors introduced.) Senator Howard, you're recognized to speak.

SENATOR HOWARD: Thank you, Madam President and members of the body. This amendment is not merely a bill. This is reflecting a constitutional amendment. And in listening to the comments and the thoughts about this, it stirred a concern in me. And I thought I would like to share this with those here. The United States Constitution consists of 7,495 words. The Nebraska Constitution contains 24,121 words. We have quite a bit of...quite a bit more to say, I suppose, than the United States Constitution. But it's an interesting comparison. I'd like to bear that in mind as we consider additional wordage to this important document to our state. Thank you. And I'd like to offer the remainder of my time to Senator Chambers.

SENATOR SCHIMEK: Senator Chambers, would you respond?

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SENATOR CHAMBERS: Yes. Madam President, thank you. I was given the remainder of Lady Howard's time, and I'm thanking her for it. I'm thanking you for recognizing me. Members of the Legislature, Senator Howard did make a very keen observation. It might fall on deaf ears. However, these things should be made a matter of record. And those who have tried to offer defense of the constitution are to be commended, as far as I'm concerned. However, if nobody had spoken, I would continue to do as I am, because it's the right thing to do. It's as simple as that. And that's what makes my life so much less complicated than anybody else's life that I know of. All I have to do is determine what's right, and that's what I'm going to do. And I will do it, because I'm not afraid of anybody or anything. And there is nothing and there is nobody who will deter me from doing or saying what I think I ought to say and do. The Nebraska Constitution could stand a good fumigating. So much is in it that need not be there. The choice of language used to express the ideas that ought to be there is so inadequate that there could be a rewrite even of those provisions whose overall content would remain in the constitution. That's why I wish people would read it. But wishes don't get you anywhere. As they say, if wishes were horses, then beggars would ride. But if beggars are highwaymen, beggars still will ride, because they'll take your horse away from you. So sometimes it's good not to ignore the plight of our fellow citizens. Why in the world does Senator Schrock push on with this? I can understand why he would. Because a bunch of anglers, hunters, and trappers came to him and put the bite on him. And he said whoever gets to him first is the one likely to be able to get him to go their way. So they got to him to do this before I got to him to ask him not to do it. But it didn't occur to me before the first time he offered it that anybody would offer something like this. But that does not bind anybody else. Senator Schrock admits that there is no impending danger to trapping, hunting, and fishing in this state. You should not amend the constitution for light and trivial reasons. Senator Schrock has changed his position on this, too. I have articles where he was quoted,...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...and he can get the transcript, where he

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was worried about the Legislature perhaps doing something. Then he switched and said it's not the Legislature he's worried about, but somebody circulating a petition. Well, they can do that with or without this. And contrary to what he's been saying, a petition, if it gets enough signatures, can abolish a provision in the Nebraska Constitution. It can do that. So something, once there, is not there forever. The whole Constitution of Nebraska is amenable to being amended, as now the U.S. Constitution is amenable to being amended. The only thing that could not be amended in the Constitution was the protection to the slave trade. Which shows that protecting the slave trade was more important to the founders of this country than anything else in that constitution--more important than motherhood, cherry pie, apple pie, education, the Congress, the President, the courts, more...

SENATOR SCHIMEK: Time.

SENATOR CHAMBERS: ...important than all of those things. Thank you, Madam President.

SENATOR SCHIMEK: Thank you, Senator Chambers. And your light is the next light.

SENATOR CHAMBERS: Thank you. Protecting the slave trade could not be amended out of the constitution until 1808. That is not the case with Nebraska's constitution. Senator Schrock was correct when he said the other day that the people can petition to put anything in the constitution they want to. And the courts have said they're not in a position to judge of the wisdom, desirability, or suitability of what the people decide to put into the constitution. If it makes any kind of sense, the court will try to effectuate it, unless it violates something in the U.S. Constitution or the laws handed down by Congress. A state cannot by its constitution or its laws amend or annul a federal enactment, naturally by Congress. A state court cannot overturn a decision by a federal court on a federal question. That's the way it is. That is based on the notion of the supremacy of the United States. The laws, the constitution, the treaties into which this country will enter, they are all paramount when it comes to any enactment of whatever kind, type,

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or variety by a state. Nebraska's constitution is within our province to either befoul or to protect. What Senator Schrock is offering has been admitted by him to be unnecessary. It is unnecessary. It's not even of the quality of a cosmetic change, where you just tweak something or you change language. We could not get this Legislature to agree to changing the Nebraska Constitution to put the words "his or her," "him or her," "he or she." Senator Tyson, who I called the "Baron," said, well, the masculine has always included the feminine, so that's the way it will always be. But there are not men who would want us to substitute the feminine and let that include the masculine. Always one way when white men are in charge. Something is right because they say it. They don't say it because it's right; they say it and that makes it right. I've observed them all of my life, and I had better if I want to survive. I have observed the people in this Legislature, and I've observed the way the Legislature works. In a rhyme the other day, I put it in quotes the words "quiet desperation." There was a poet who talked about people leading lives of quiet desperation. And that, I think, describes the shriveled lives of many of the people who sit in this Legislature. When they're with the lobbyists...where are the lobbyists out there now? They're not concerned about what you all are doing, because it doesn't relate to them. You think they're out there because they like you or they respect you? The feed you because they respect you? They fatten you the same...for the same reason you fatten those hogs. They fatten you for the kill. And after they've bumped you off, they have no further use for you, and they go away and laugh at you. You're so easy. Be that as it may, when they're not around the lobbyists, they walk down the street and nobody knows them. Nobody knows they're big shots and they're important. But also, nobody knows how weak and cowardly and spineless they are. So they do live lives of quiet desperation,...

SENATOR SCHIMEK: One minute .

SENATOR CHAMBERS: ...trying to find an identity, which they lack because their life does not give them anything they can be proud of. They leech, they sponge, they mooch, and they feel that being a member of the Legislature entitles them to that.

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But they could take a start along the right road by protecting the state's constitution. I want to emphasize again, whatever is put in the Nebraska Constitution is not going to hurt me. It doesn't have any impact on me at all. But while I'm in the Legislature, I'm going to try to shield it from these frivolous, cluttering, demeaning proposals. And if it takes the rest of the session, I'm willing to take it. And obviously, you all are willing to give it to me. So since freely you give, happily will I receive. And will go on and on...

SENATOR SCHIMEK: Time.

SENATOR CHAMBERS: Was that my third time?

SENATOR SCHIMEK: That was your third time, Senator Chambers. Seeing no further lights, Senator Chambers, you could close on FA40.

SENATOR CHAMBERS: Thank you, Madam President. And then I guess, like that song, "I'm 'Enery the Eighth, I Am," if this is amendment FA40, 41st verse, same as the first. And I'm not going anywhere. I'm going to be here. This amendment is very innocuous. It's in the spirit of Senator Schrock's proposal. It says that these things which constitute you all's heritage...and what a rich heritage you have. What a rich, enviable heritage you have. I bet people come here from the Sistine Chapel, after they went there for the festivities involving the one pope dying and another one coming into being, after maybe visiting the Louvre on their way back, or over there, maybe going, looking at Greek statues, because that...Greece isn't too far away, looking at Roman sculpture and architecture, and then coming back to Nebraska and saying, boy I'm sure glad my heritage has given me something of value. And somebody else: well, what is that? Fishing, hunting, trapping. Madam President, let my time run. But my esteemed and worthy foe is here, and I'd like to have a word with him. Madam President, Senator Schrock gave me something to think about, and gave you all something to speculate about. But if he doesn't tell, I shall not tell either. But I think I'll be improved as a result of what he has offered to me, or made available. Back to what I was saying. This particular amendment would add



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two (sic) words, and they are, "and a day," to make sure that your august heritage is protected. I can see Senator Kopplin, an educator: I'm from Nebraska, we have a wonderful heritage in Nebraska. Well, what is your heritage? Fishing, trapping, hunting. He'll be talking around people who are highly civilized and courteous. So they'll raise an eyebrow and say, oh, wonderful. Senator Mines, who watches my back, but as I told him, based on his votes, he watches as the knives and bullets go in the back. (Laugh) I can see Senator Mines going to a conclave of chairpersons of banking committees. And they'll say, by God, Senator Mines, you seem to be a nice fellow. What goes on in your state? Tell us about your heritage. And Senator Mines will say, I can sum it up in three words. They say, lay it on me, Senator Mines. He says, hunting, trapping, fishing. Well, these people are not quite as civilized, not quite as courteous, and they say, (laugh) surely you jest, Senator Mines. Oh, you ought to be a stand-up comic. And the thunderclouds of indignation cover Senator Mines' forehead. Lightning flashes from his eyes, which seem to have become recessed, sitting deeper in those sockets. His brows are overhanging, and he says, laugh not, mock not at my heritage; I don't take that lightly. And partner, from my state--if Senator Combs is successful--I can...

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: ...pack heat, and I got some. Take it back. Did you say my time is up?

SENATOR SCHIMEK: One minute.

SENATOR CHAMBERS: Oh, thank you. Because they want to hear the rest of this. Then Senator Mines say, oh, I forgot, I'm not at home, so I don't have my heat with me. So they say, then there are four things that constitute your heritage--hunting, trapping, fishing, and packing heat. What a wonderful heritage. Someday I'll pass through Nebraska on my Harley. And they'll say, but you must wear a bucket on your head when you go through Nebraska on your Harley. Wow, what a wonderful state--fishing, trapping, hunting, packing heat, and wearing helmets on your head when you ride a motorcycle. What would the country of



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America be if Nebraska had not become a state? After all of the years its been a state, that's what it has come to--fishing, hunting, trapping,...

SENATOR SCHIMEK: Time.

SENATOR CHAMBERS: And time. Madam President, I would ask for a call of the house.

SENATOR SCHIMEK: There's been a request for a call of the house. All in favor vote yea; all opposed vote nay. Record, Mr. Clerk.

CLERK: 11 ayes, 1 nay, Madam President, to place the house under call.

SENATOR SCHIMEK: The house is under call. Would all senators please return to the Chambers and record your presence. The house is under call. The house is under call. Would senators please return to the Chambers. Please record your presence. Senator Janssen, Senator Raikes, Senator Louden, Senator Synowiecki, Connealy, and Bourne, would you please check in. Senators Janssen and Louden, would you please return to the Chambers. We are all present. Senator Chambers, how do you wish to proceed?

SENATOR CHAMBERS: I'll take a machine vote.

SENATOR SCHIMEK: A machine vote has been requested. The question is the adoption of FA40. All those in favor vote yea; all opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 9 ayes, 23 nays on the amendment, Madam President.

SENATOR SCHIMEK: The amendment is not adopted. Mr. Clerk. Oh, and I raise the call.

CLERK: Madam President, the next amendment, Senator Chambers, FA41. (Legislative Journal page 629.)

SENATOR CHAMBERS: Thank you. Madam President, members of the

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Legislature, even though my colleagues my lack the intestinal fortitude to vote for this amendment, they love this amendment. Here's what it says. In line 8, strike "and." Then, after "hunting," insert "creating, recreating, conversating and procreating." They all like some parts of this amendment. I'd like to ask Senator Schrock a question.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Senator Schrock, would you yield to a question from Senator Chambers?

SENATOR SCHROCK: Yes.

SENATOR CHAMBERS: Senator Schrock, do you think people should be allowed to have the right to create and have that right protected in this state?

SENATOR SCHROCK: I don't know that it needs to be in the constitution, Senator Chambers, because I don't think that is...that activity is threatened, if that's what you're driving at.

SENATOR CHAMBERS: Well, neither are hunting, trapping, and fishing. You've acknowledged that. They're not threatened. So why are those worthy of being in the constitution, but this is not?

SENATOR SCHROCK: I think those activities are coming under more scrutiny and are being...those issues are going to be challenged down the road. But I'm not sure...

SENATOR CHAMBERS: Well, Senator...

SENATOR SCHROCK: ...creation...

SENATOR CHAMBERS: ...Senator Schrock, I saw in the paper the other day where there was an artistic exhibition, and the secret service went there. They were photographing the exhibition, trying to get information on the artists, their names, their addresses, and other information. So might not that suggest

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that there is some heightened scrutiny being given by the government to creative activities?

SENATOR SCHROCK: I wouldn't disagree with you there. But can I ask you a question?

SENATOR CHAMBERS: Sure.

SENATOR SCHROCK: If you need more time, I'll...

SENATOR CHAMBERS: Sure.

SENATOR SCHROCK: If "Life, Liberty and the pursuit of Happiness" were not in the constitution, and I brought a constitutional amendment that would say, in the state of Nebraska we need to protect the right for liberty...life, liberty, and the pursuit of happiness, would you support that?

SENATOR CHAMBERS: No.

SENATOR SCHROCK: Okay. But it is in the Constitution.

SENATOR CHAMBERS: But it doesn't need to be there.

SENATOR SCHROCK: Okay.

SENATOR CHAMBERS: I don't know if you've followed me, but I've said there are numerous things in the Nebraska Constitution which should not be there. It could withstand a fumigating. And if people read it, they would find a lot of unnecessary things that would surprise them. So I'm more consistent than you. There are things in there now that I don't think should be there. And I don't think hunting, trapping, and fishing should be. But if hunting, trapping, and fishing are, I certainly think that the creative activities of people should be protected from encroachment by the government. And apparently, you don't think that's the case. Is that correct? Or have I misunderstood your position?

SENATOR SCHROCK: I'm not ready to put that on the ballot. But if you'd want to bring that as a separate constitutional

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amendment next year, I would take it under consideration. But I don't want it to be a part of this constitutional amendment.

SENATOR CHAMBERS:      You don't think it rises to the level of importance as hunting, trapping, and fishing. Is that correct?

SENATOR SCHROCK:      They're both important, Senator Chambers. But right now, I'm not ready to consider putting that in the constitution, without a full debate and without having it go through the hearing process.

SENATOR CHAMBERS:      Well, if we added it here, we'd have a full debate on it. We're having a debate now.

SENATOR SCHROCK:      Well, I think the public needs to have input on that. And I think we should have a hearing, and we should go that process, if that's what you want to do.

SENATOR CHAMBERS:      Senator Schrock, do you believe in recreating, like recreation?

SENATOR SCHROCK:      Yes. And that's partially what this is all about.

SENATOR CHAMBERS:      So I know you'll accept this amendment, because it's just saying in another word what you're saying already. Isn't that true?

SENATOR SCHROCK:      That's debatable, I suppose.

SENATOR CHAMBERS:      So you want to protect hunting, trapping, and fishing, but not recreating?

SENATOR SCHROCK:      I'm not ready to add that to this measure. But like I said, if you'd like to bring a separate measure and have it go through the committee process and have the public hearing and bring it to the floor, I will take it under consideration at that time.

SENATOR CHAMBERS:      Do you believe, Senator Schrock, in "conversating"?

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SENATOR SCHROCK: Yes, I do.

SENATOR CHAMBERS: And we're "conversating" now, in fact, aren't we?

SENATOR SCHROCK: It's kind of a one-way conversation. But I believe in it, yes.

SENATOR CHAMBERS: Well, why do you call it one-way, when I speak and you speak back to me?

SENATOR SCHROCK: Well, because you're asking most of the questions.

SENATOR CHAMBERS: Well, ask me a question.

SENATOR SCHROCK: Are you having a good day?

SENATOR CHAMBERS: Senator Schrock, one of the best days that I've had since I've been in the Legislature, for 35 years, which seem like 135 sometimes.

SENATOR SCHROCK: Senator Chambers, I would say to you, all things considered, I'd rather be fishing. (Laughter)

SENATOR CHAMBERS: (Laugh) Touche. Senator Schrock, let me move to the next one. Are there any children in the balcony? Because I can't see from where I am.

SENATOR SCHROCK: Well, I get a good view from the south balcony. There's nothing...there's two people there, but they're not children.

SENATOR CHAMBERS: Not children? Okay. Then I can ask you this question on the mike. Do you believe in...

SENATOR SCHROCK: And I don't know if they're brothers and sisters, or what their relationship is.

SENATOR CHAMBERS: Okay. Do you believe in...

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SENATOR SCHROCK: Boyfriend, girlfriend? Oh, they're married.

SENATOR CHAMBERS: Now don't ask any more questions. Such as, to whom? (Laughter) Senator Schrock, do you believe in procreating.

SENATOR SCHROCK: Yes, I do. Would you like to see a picture of my grandchildren?

SENATOR CHAMBERS: No, because you had nothing to do with those. They're one step removed. I'm talking about you, not your young 'uns.

SENATOR SCHROCK: Well, it's a little...

SENATOR CHAMBERS: Now, Senator Schrock, do you think there's a possibility that a point could be reached where certain people would be told that unless you agree to be sterilized you're going to go to jail?

SENATOR SCHROCK: You know, that's an issue...

SENATOR CHAMBERS: Don't answer yet. Are you aware that there have been some judges in states...

SENATOR SCHROCK: Yes I am, Senator Chambers.

SENATOR CHAMBERS: ...in this country, and those operations, if you want to call them, have been carried out on people?

SENATOR SCHROCK: Yeah, and I believe...correct me if I'm wrong. I believe it's been carried out on some mentally ill people, or some people that aren't...

SENATOR CHAMBERS: And some who have committed various offenses.

SENATOR SCHROCK: Okay.

SENATOR CHAMBERS: And some women who are felt to have had too many children.

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SENATOR SCHROCK: Yes. And there's been some discussion about doing that to sex offenders, I believe.

SENATOR CHAMBERS: So this that I'm offering, at first blush could seem very frivolous and trifling. But this is a reality that has taken place in America. Would you like to see that happen in Nebraska?

SENATOR SCHROCK: No, I don't think so, Senator Chambers. I don't think that's appropriate.

SENATOR CHAMBERS: So you do believe that the right to procreate is a significant right that everybody ought to enjoy.

SENATOR SCHROCK: Right. And I think there's some certain circumstances where that may be...I don't want to get too deep into this, Senator Chambers. (Laugh)

SENATOR CHAMBERS: I want you to.

SENATOR SCHROCK: But there are certain circumstances where maybe it's appropriate for people not to do that. But I'm not certain that sterilization is the answer.

SENATOR CHAMBERS: So then you would not want the constitution to ensure this right to all the people who live in the state of Nebraska?

SENATOR SCHROCK: Well, I don't know that it needs to be in the constitution, Senator Chambers.

SENATOR CHAMBERS: I don't know, but I may have heard somebody just say something about the procreation committee. They were over...I didn't know we had a procreation committee. But apparently the procreation committee is meeting somewhere. And I guess they're talking about procreating. But at any rate, I hope they enjoy themselves. (Laugh) But they should be careful and at least keep the door closed. Senator Schrock, this amendment that I'm offering I know is not going to be added to yours. And I think you knew that I knew that. But the reason I

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engage you in this discussion is to show that some of these amendments that may, upon first glance, seem to have no substance whatsoever, upon further review will be shown not only to have substance, but to address circumstances in this country and conduct that is being engaged in. That's all that I will ask you now, by the way. But it gives me an opportunity to discuss some of these other things, and to discuss them in the context of the constitution. The constitution is the basic law, the fundamental law. It is to protect the rights of citizens. It is to limit the power of government, if possible, strike a balance between security and governmental authority and the rights and liberties of the people. If there are not public officials who are vigilant, plus possessed of an intent,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...a will, and a determination to do those things necessary to maintain that balance and protect the rights of the people, the encroachment by government will go forward. The constitution is too important a document to load up with the fad of the day. We're dealing with a fad of the day. When the introducer can tell you that there is no threat that would justify this being put into the constitution, that should end the discussion. There is nothing more that should have to be said. But people have gotten themselves into a position, and I hope they feel as ridiculous as they've made themselves look by supporting something which the introducers told them, and they already knew, is not necessary. Who is threatening...

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: ...hunting, trapping, and fishing? Was that my third time, Mr. President?

SENATOR CUDABACK: I'm sorry. That's your opening, Senator.

SENATOR CHAMBERS: Oh. Thank you.

SENATOR CUDABACK: On FA41. I'm sorry. On with discussion of FA41. Senator Schimek, followed by Senator Schrock.



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SENATOR SCHIMEK: Thank you, Mr. President and members. I have not really spoken very much on this bill. But I think at some point, probably, one needs to weigh in. And I would like to say at the outset that I don't have the same...I didn't have the same experiences as Senator Chambers had when he was a child. I, indeed, was taken hunting and fishing when I was a child, and I have some very pleasant childhood memories of that, going down to the old Republican River, which is now covered by the Harlan County Dam, a site just below town. Just south of town, I should say, (laugh) not below town, to be specific. And my dad and I and my sister would set lines and catch fish that way. We'd come back the next day and check those lines. And we'd also go fishing with our poles, but that was one way that we caught fish and ate fish. And it was a fun deal to do with my dad. He also, I remember, would talk my mother and sister and me into going out on a nice fall afternoon. We'd all pack sack lunches and we'd go out in the car pheasant hunting. And now that I look back on it, I'm thinking, was that a really safe thing to do? Because my father would send my sister and me and my mom through the rows of cornfields to scare the pheasants out. And I'm thinking, we were probably in front of him (laugh) when those pheasants flew out of the cornfield. But anyway, it turned out safely, and it was fun, and I have really good memories of that. And I, for one, would not dream of prohibiting those kinds of activities in this state. I don't hunt myself. I don't believe I could ever pull that trigger. Although I did learn how to use a shotgun. I had a boyfriend in college who thought I ought to learn how to do that. I don't believe I'd ever want to hunt. And I don't...I haven't gone fishing for years. But I know that those are the kinds of activities that a lot of people enjoy. And they are good family activities. However, I have told Senator Schrock that I can't vote for this constitutional amendment, because I feel exactly like Senator Chambers and others in this body do. There's no need to put this kind of language into the constitution. If there were a problem, maybe I could see that. But if there were a problem, I believe the Legislature would handle that problem. And I thought that Senator Brown put it very wisely this morning. And I would vote any time, Senator Schrock--and I've told you this--I'd vote any time to preserve that kind of thing in statute. But I won't vote to preserve it in the

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constitution. And Senator Chambers, just so nobody on the floor is misled, I haven't voted for any of your amendments that I can think of, because I know why they're there, and they're there only for argumentative purposes. And I suppose I could vote to attach them, in the hopes that it would ruin the bill for a lot of other people. But at least to date, I haven't been supporting your amendments. But I am supporting what you're...the arguments that you are making,...

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: ...because I think they're valid. And I think this is an important discussion to have for those who will be here after us, as well. Because, Senator Chambers, you're not going to be here forever. None of us are going to be here forever. And these kinds of discussions are important for those who come after us. So even though we all get "owly" and growly sometimes about the endless debate, there is a lot of merit in the debate. And you are raising what I consider to be a very, very valid point. I will not support FA41. But neither am I going to support the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. On with discussion. Senator Schrock, followed by Senator Chambers.

SENATOR SCHROCK: Mr. President, members of the body. Senator Schimek, I appreciate your comments. Let the record show that I have brought you some pheasants in the past, and will continue to do so should the opportunity arise. And I appreciate that you like to eat them. And so, that's something we do at our place, too. Senator Schimek, I would respond a little bit. When you have an organization out there that has \$100 million a year disposable, and have a litigation team to try and stop bow hunting and to try and stop trapping, I think that's a legitimate concern, even though it isn't in the state. And I'm not real concerned about this body or today. This is the future, as our society changes. Just look at the sheet I passed out yesterday. The issue of trapping in several states has been on the ballot. The issue of baiting bears has been on the ballot. That's about the only practical way to hunt bears in some areas of this country. I annually take a...almost

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annually, take a trip up north into Saskatchewan or Manitoba, and fish. And bears are a problem. And sometimes they shoot them just because they're a nuisance. But when there is a hunting season, you can't walk that country, you can't stalk that country. It's undergrown...I mean, it's overgrown with trees and moss. The only way you're going to find a bear is to bait it, and sit in a stand, and shoot it when it shows up. But there's people out there who put initiatives on the ballot in Alaska to stop that type of activity. Now, we don't have the same...we don't have bears in Nebraska. But we do have people...we do have an organization that had the audacity to ask the Governor to take the channel catfish off the list. And as ridiculous as that may seem...and of course, I'm not concerned about Governor Heineman. He was not going to do that. And probably not the next Governor. But this is for a long time. I think it will be there for a long time. I think it will be an important message for those people who might want to even target Nebraska. I would hope that PETA would not even ask the Governor to do that, because it wouldn't be available for the Governor to do, probably, if this was in the constitution. I don't know if the Governor could have done it anyway. It's all...it all starts to border on the ridiculous, and I would acknowledge that. But let's keep the ridiculous from happening in this state. And that's what I'm trying to do. That's what the people who have asked me to carry this constitutional amendment...and I remind you, it's the sportsmen of this state that have asked me--130 organizations. And I think their resolve is genuine. I think their concern is genuine. And they will all acknowledge that the threat isn't today. It's, as our society changes, we want to protect this. And we think a constitution is a good place to put it. I respectfully...I respect your point of view. You're not the only one that way. And if...I think this has enough votes to proceed at some point in time. And if it doesn't, it doesn't. But I don't think the issue is going away...is going to go away. I think they will continue, whether you're here, whether I'm here, and they will try and do this. Now, they have other avenues also. They can do the petition process. But they have asked me to do this, and I'm going to do that. Senator Schimek, if I have any time left, you can sure respond.

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SENATOR CUDABACK: Senator Schimek.

SENATOR SCHIMEK: Thank you. Yes. Thank you, Senator Schrock. I'll take the time, because I just want to thank you for all those pheasants.

SENATOR CUDABACK: Are you giving your time up, Senator Schimek, that Senator Schrock gave you? Senator Chambers.

SENATOR CHAMBERS: Mr. President, friends all, Senator Schrock said these various organizations have asked him to bring this, and mentioned what they think and how they feel. With that I have no quarrel whatsoever. When my children were little, many things they came to me and to their mother asking for. We were not children at that point. We knew better. And we acted on our knowledge, not on their desire, and we told them no. We understand things that people out there don't. We should act on the basis of our knowledge. Senator Schrock, if I did everything people asked me to do, I wouldn't even be alive, and the way I would have left this world would not have been pleasant for me. Sometimes we'll put into the law that a person is culpable if he or she knows or should know, meaning that where knowledge exists, responsibility attaches. We have an understanding, or should have an understanding, of what a constitution is, the types of things that ought to be there, and other things which should not be there and need not be there, and yet can be completely addressed if it becomes necessary to do so. Senator Schrock mentioned that Nebraska was whatever number on the list to put in a hunter protection bill, or whatever it is. They're scared of everything. But the Legislature passed such a bill. So they can get the Legislature to do that kind of stuff. But why contaminate the constitution? Senator Schrock has told us it is not needed. How many times do I have to repeat what he has said? Have you become so locked in that no matter what is said, makes you no difference? Where is the thoughtfulness then? Where is the ability to receive information, process it, and alter a judgment so that your conduct conforms to the new information that you have? It shouldn't even take all this to bring to us the realization that this language in LR 1CA (sic) should not be put on the ballot, and it should not find its way into the constitution by any

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means. Senator Schrock keeps talking about these organizations and all the money they've got. This organization, first of all, may not have the money that Senator Schrock says. I don't know that to be a fact. He can present something he got off the Internet. If you believed everything you got off the Internet under the name Ernie Chambers, I don't even think the person that they are naming Ernie Chambers is me, because of where this guy has been and the things he has done. But we looked up some stuff, (laugh) and it's amazing what you find on there. So you can pull stuff off there, and it will be in a format where it came from someplace, and you pass it around, and it's as inaccurate as anything could be imagined. But people buy it because it came off the Internet. How many people think that the alien, like the ET, the extraterrestrial, is going to come here? If you watch The X-Files,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...and those words always flash on the screen, "the truth is out there." Well, this guy named Mulder, who looks as vacuous as anybody has ever looked on television that I've seen, is always looking for some people to come with bright lights and snatch people away. And various people who appear in some of the episodes profess to have had that happen to them. I had an amendment at one time to protect people from extraterrestrials by allowing you to hunt them. Now, it may not be an imminent danger now, because you don't know they're here. But they're here, I assure you. They are here. They are here now. They could be your next door neighbor. Have you noticed that your next door neighbor looks at you a little differently from the way the neighbor used to look at you? Somebody in your own house, when you're not looking. And the reason you know they're staring, because you look, and quickly, and they look away. You need to be careful. Now, Senator Combs is trying to do something about that by letting you keep a pistol on you all the time.

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

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SENATOR CUDABACK:      Thank you, Senator Chambers. (Visitors introduced.)      On with discussion of the Chambers amendment. Senator Janssen.

SENATOR JANSSEN: Thank you, Senator Cudaback, members of the Legislature. While we're discussing this issue, I thought I should probably turn my light on and talk a little bit about what this state looked like 200 years ago. You know, this summer was the 200th anniversary, this last summer, of the Lewis and Clark expedition that came through Nebraska. And there are a lot of stories about how Lewis and Clark managed to survive on their journey up the Missouri River. And one of them was the abundance of the wildlife that was in this state at that time. They lived off the land, because that's the only provisions that they had, except for a few things like baking powder and so on, that they brought along with them from Saint Louis. But one can just imagine in your mind what this country must have looked like 200 years ago. As time has went on, a lot of the things that Lewis and Clark found on their way up the Missouri River are gone. Some of the wildlife is gone. There isn't the abundance of ducks and geese and deer, buffalo, so on, so forth, that there was at that time. So they managed to live off of the land on their journey up the Missouri River. I go back to...of course, Senator Chambers and I are about the same age. And I remember in the early fifties we used...my dad was quite an avid hunter, and he always took me with him. And the first deer I had seen, I believe it was in the winter of 1952. The Missouri River flooded quite extensively during that spring of 1952, and drove a lot of the deer out of the Missouri Bottom up the tributaries. And our farm was on the Elkhorn River. And we were hunting waterfowl that fall. And one of the fellows, Mr. Thompson (phonetic), that was hunting with us, said, look up the river. There was a deer crossing the Elkhorn River at that time, and that's the first deer I had ever seen, because we did not have deer in that Elkhorn Valley then. I'm sure 200 years prior to that there were plenty of wildlife along that Elkhorn River. But now we have an abundance of deer. I drive from my home to Lincoln every day, and there are carcass...dead carcasses of deer all along that stretch of road, Highway 77. And it really doesn't make any difference what time of the year it is. There is...we're getting back to the point where there

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is an abundance of those deer. That leads me into what hunters have done over the years in controlling the population of deer, which needs to be done, because if you don't, those deer will contract some kind of a disease, bluetongue, or whatever it is, and it will wipe out the population of those deer. So by controlling the population of deer, you avoid those type of diseases that can come...

SENATOR CUDABACK: One minute.

SENATOR JANSSEN: ...to the wildlife and could possibly wipe them away. Back in those days, there was an abundance of waterfowl. And that has declined over the years. And now we have organizations like Ducks Unlimited, who are trying to strengthen the waterfowl population, which is be...which is controlled by the amount of...the bag limit that you can take of waterfowl. Hopefully, we can get that flight of waterfowl back through this state and this area, so that young people can enjoy the type of activities that I did when I was a teenager. And I would like nothing better to see that happen. Now, if I want to take one of my grandchildren hunting, I have to go to a game farm, because there isn't the...

SENATOR CUDABACK: Time, Senator.

SENATOR JANSSEN: ...pheasants that there used to be. Thank you, Senator Cudaback,...

SENATOR CUDABACK: Thank you, Senator...

SENATOR JANSSEN: ...and thank you, members.

SENATOR CUDABACK: Thank you, Senator Janssen. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Janssen a question.

SENATOR CUDABACK: Senator Janssen, would you yield?

SENATOR JANSSEN: Certainly.

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SENATOR CHAMBERS: Senator Janssen, I was following everything you said. And I'm familiar with the flooding in Omaha, because some of us...I mean, of the Missouri River...had gone, and were even allowed out of school to go fill and stack sandbags. But you said...you were talking about how you knew the state looked 200 years ago, and then you said you and I are the same age. (Laughter) Well, I haven't admitted to that, but I'm not going to say you're not telling the truth. However, at the time, if you stated what your position is on this, at the time you stated it I was distracted. Are you supporting this LR 8CA?

SENATOR JANSSEN: Senator Chambers, I'm listening to the debate. I really haven't made my mind up yet.

SENATOR CHAMBERS: Okay. Thank you. I appreciate that, Senator Janssen. You don't know how much I appreciate that. Good Lord. Almost you persuade me to be a "Chrishian." (Laugh) Thank you, Senator Janssen. Members of the Legislature, Senator Schrock sure can take it. You know why I say that? Because Senator Schrock has been in the Legislature long enough to be aware of what the constitution is, just like I'm aware of it. The only reason Senator Schrock is not giving arguments of the kind that I'm giving--not suggesting that he would use my methodology or anything, but be taking the same kind of position--is because he got hooked into offering this to the Legislature. But he knows that the arguments against putting it into the constitution are valid. People hear that word so much that it's almost like a slogan. It's there--meaning the constitution--but people don't read it. I saw a very clever commercial. This guy was talking about getting hamburgers and hot...not hamburgers and hot dogs, but hamburgers, french fries, and whatever, and he said at the end of it--because he was a cowboy, out on the range--he said, everybody has got a right to these hamburgers and these french fries; it's right there in the constitution. And you know, people believed it, that the constitution protects your right to have hamburgers and french fries. You do have the right, but it's not in the constitution. I've listened to some of these people on programs such as Jay Leno, which show how much people revel in ignorance. You all have read the slogan on the money, e pluribus unum. E pluribus unum. Jay Leno was out on the



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street asking people these difficult questions. And he asked, what is the slogan on the money? I can't even remember all the crazy stuff they talked about. But this one guy was so creative, I will never forget it. They asked him what it is, and without cracking a smile, he said "ebus purblum." So Jay Leno said, could you say that again? He said, sure, everybody knows it's "ebus purblum." That's what ought to be on the money. Maybe people would pay attention to it. But he thought he was right. And people in the audience thought he was right until Jay Leno laughed. Then everybody laughed. And they'd hunch to their neighbor, what are we laughing at? Because Jay laughed. Oh, okay. Then they'd laugh louder. They ask people about the globe, on which continents were located, and cities, and states, and got to talking to these people. And some felt that the globe represented the spherical shape of the earth, and others didn't know why they would represent the earth with a globe. And do you know why they wondered about that? Because they've seen maps flat on the wall, and that's the way the earth looks. It's not like a ball, and they've got maps to prove it. And they were serious, sincere. But they were sincerely ignorant. The level of awareness in this country is enough to alarm people who realize that the general intellectual level and understanding of the populace have a great deal to do with how long that society is going to endure. And although it doesn't touch directly on military might, but it relates to the strength of that country.

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: When you have a...oh, was that my third time?

SENATOR CUDABACK: It was, Senator.

SENATOR CHAMBERS: Okay.

SENATOR CUDABACK: Mr. Clerk, items for the record.

CLERK: Mr. President, your Committee on Enrollment and Review reports they've examined and reviewed LB 673, and recommend that it be placed on Select File with Enrollment and Review amendments; LB 673A to Select File. Education Committee,

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chaired by Senator Raikes, reports LB 146 to General File with committee amendments attached. Two new resolutions: LR 86 and LR 87, by Senator Preister, both calling for interim studies. Both will be referred to the Executive Board. I have amendments to be printed: Senator Beutler, to LB 588; Senator Stuhr, to LB 364; Senator Smith, to LB 70. (Legislative Journal pages 1274-1278.)

And Mr. President, I have a priority motion. Senator Brown would move to adjourn until Monday morning, April 25, at 10:00 a.m.

SENATOR CUDABACK: You've heard the motion to adjourn, April 25, 2005, 10:00 a.m. Been a request for a board vote. All in favor of the motion to adjourn vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 17 ayes, 7 nays to adjourn, Mr. President.

SENATOR CUDABACK: We are adjourned.

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